

## Panama Canal Commission

3552.214-74

(End of provision)

### 3552.214-70 Price—Sealed Bidding.

As prescribed in 3514.201-6(a)(1), insert the following provision:

#### PRICE—SEALED BIDDING (JAN 1990)

Only bids stating a firm, fixed-price expressed in U.S. dollars shall be considered for award. Bids that qualify the bid price in terms of the rate of exchange between U.S. dollars and a foreign currency will be rejected as nonresponsive.

(End of provision)

### 3552.214-71 Additional Data To Be Submitted.

As prescribed in 3514.201-6(b)(1), insert the following provision:

#### ADDITIONAL DATA TO BE SUBMITTED (JAN 1990)

Prior to award of the contract, the Contracting Officer may require the apparent low bidder to furnish the following information:

(a) Evidence establishing that the bidder maintains a permanent place of business and has satisfactory and acceptable financial resources to meet obligations incident to the work.

(b) A brief description of work experience by the bidder and the location of major projects.

(c) A list of key personnel which the bidder has available for prosecution of the work to be performed, and a brief summary of such personnel's experience in work similar to that required by this contract.

(d) A complete list and description of all equipment, shops, yards, and storage facilities that the bidder now has or will have available for commencement and prosecution of the work.

(e) Evidence establishing that the bidder positively meets responsibility requirements, such as experience, which are included in the solicitation.

(End of provision)

### 3552.214-72 Rejection of Bids.

As prescribed in 3514.201-6(b)(2), insert the following provision:

#### REJECTION OF BIDS (JAN 1990)

Any bid will be rejected that is conditioned upon or proposes that the Panama Canal Commission agree to the use of a price adjustment clause calling for an upward revision of the bid price or to the use of a cost-plus-fixed-fee or comparable pricing arrangement. The right is reserved, as the interest

of the Panama Canal Commission may require, to reject any and all bids and to waive any informality in the bids. A bid may be rejected if the bidder fails to furnish a guaranty and submit the data required with the bid; or if the bidder cannot show to the satisfaction of the Contracting Officer that it has the experience and owns or controls by firm option, or can procure the necessary plant to commence work within the time prescribed in the specifications and, thereafter, to prosecute and complete the work at the rate or time specified; or if the bidder cannot show that he is not already obligated to perform other work contemplated in this Solicitation. Any unbalanced bid which, in the opinion of the Contracting Officer, jeopardizes the interests of the Panama Canal Commission will be subject to rejection for that reason.

(End of provision)

### 3552.214-73 Caution—Sealed Bidding.

As prescribed in 3514.201-6(a)(2), insert the following provision:

#### CAUTION—SEALED BIDDING (JAN 1990)

Bidders are cautioned that any condition, qualification, provision, or comment in their bid, or in a letter transmitting their bid, which in any way modifies, takes exception to, or is inconsistent with the specifications, requirements, or any of the terms, conditions, or provisions of this solicitation, may require the rejection of their bid as non-responsive.

(End of provision)

### 3552.214-74 All or None Award—Sealed Bidding.

As prescribed in 3514.201-6(c), insert the following provision:

#### ALL OR NONE AWARD—SEALED BIDDING (JAN 1990)

Notwithstanding paragraph (c) of provision 52.214-10, Contract Award—Sealed Bidding, award will be made on an "all or none" basis to one bidder for all items, in the quantities and at the unit prices specified for each item. Consequently, for the purpose of determining the most advantageous bid in accordance with paragraph (a) of provision 52.214-10, the word "price" as used therein shall be construed to mean the bidder's aggregate price for all items. Any bid which fails to quote on all items, in the quantities specified for each item, shall be rejected as non-responsive.

## 3552.214-75

(End of provision)

### 3552.214-75 All or None Award—Sealed Bidding—Construction.

As prescribed in 3514.201-6(d)(1), insert the following provision:

ALL OR NONE AWARD—SEALED BIDDING—  
CONSTRUCTION (JAN 1990)

Regarding paragraph (c) of provision 52.214-19, Contract Award—Sealed Bidding—Construction, award will be made on an “all or none” basis to one bidder for all items. Consequently, for the purpose of determining the most advantageous bid in accordance with paragraph (a) of provision 52.214-19, the word “price” as used therein shall be construed to mean the bidder’s aggregate price for all items. As indicated in paragraph (c) of provision 52.214-18, Preparation of Bids—Construction, failure to bid on all items will disqualify the bid.

(End of provision)

#### *Alternate I (Jan 1990)*

If the construction work is not estimated to exceed \$10,000, substitute the following text in place of the basic text:

A contract award will be made on an “all or none” basis to one bidder for all items at the prices specified for each item. The award will be made, without discussions, to the overall low, responsible bidder whose bid, conforming to the solicitation, will be the most advantageous to the Government considering only the bidder’s aggregate price for all items and the price-related factors, if any, specified elsewhere in the solicitation. Consequently, bidders are required to bid on all items. Failure to do so will disqualify the bid.

#### *Alternate II (Jan 1990)*

If the contracting officer determines that (a) the contract work, regardless of its estimated value, will be awarded to one bidder for all the work, and (b) bidding on all items will not be required, substitute the following text in place of the basic text:

A contract award will be made on an “all or none” basis to one bidder for all the contract work. The award will be made, without discussions, to the overall low, responsible bidder whose bid, conforming to the solicitation, will be the most advantageous to the Government considering only the bidder’s aggregate price for all items and the price-related factors, if any, specified elsewhere in the solicitation.

### 3552.215-70 Price.

As prescribed in 3515.407(a)(1), insert the following provision:

## 48 CFR Ch. 35 (10-1-00 Edition)

PRICE (JAN 1990)

Only offers stating a firm-fixed-price expressed in U.S. dollars shall be considered for award. Offers that qualify the offer price in terms of the rate of exchange between U.S. dollars and a foreign currency will be rejected as nonresponsive.

(End of provision)

### 3552.215-71 Caution.

As prescribed in 3515.407(a)(2), insert the following provision:

CAUTION (JAN 1990)

Offerors are cautioned that any condition, qualification, provision, or comment in their offer, or in a letter transmitting their offer, which in any way modifies, takes exception to, or is inconsistent with the specifications, requirements, or any of the terms, conditions, or provisions of this solicitation, may require the rejection of their offer as non-responsive.

(End of provision)

### 3552.215-72 All or None Award.

As prescribed in 3515.407(b), insert the following provision:

ALL OR NONE AWARD (JAN 1990)

Notwithstanding paragraph (d) of provision 52.215-16, Contract Award, a contract award will be made on an “all or none” basis to one offeror for all items, in the quantities and at the unit prices specified for each item. Consequently, for the purpose of determining the most advantageous offer in accordance with paragraph (a) of provision 52.215-16, the words “cost or price” as used therein shall be construed to mean the offeror’s aggregate cost or price for all items. Therefore, offerors are cautioned to quote on all items, in the quantities specified for each item. Failure to do so will, in effect, eliminate the offeror from consideration for contract award in the event a contract is to be awarded on the basis of initial offers received without discussions, pursuant to paragraph (c) of provision 52.215-16.

(End of provision)

### 3552.225-70 Language.

As prescribed in 3525.801-76(a), Language, insert the following clause:

LANGUAGE (JAN 1990)

All offers, correspondence and documents required by this solicitation or contract must be submitted in the English language. In the event of inconsistency between any terms of this solicitation or contract and